

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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MICHELLE DIMANCHE,	*	
	*	C.A. No.: 1:15-CV-10037-WGY
Plaintiff,	*	
	*	
v.	*	
	*	
MASSACHUSETTS BAY TRANSPORTATION	*	
AUTHORITY, WILLIAM MCCLELLAN,	*	
STEPHANIE BRADE, SHERYL REGISTER,	*	
MAXINE BELL, FRED OLSON AND CHERYL	*	
ANDERSON	*	
	*	
Defendants.	*	
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PLAINTIFF’S REVISED REQUEST FOR INSTRUCTIONS TO THE JURY

Now come the plaintiff and respectfully requests that the attached instruction also
be charged to the jury.

Respectfully Submitted,
Michelle Dimanche,
By Her Attorney,

/s/ Christopher J. Trombetta
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Dated: October 18, 2016

INSTRUCTION – HOSTILE WORK ENVIRONMENT

A plaintiff may recover for racial discrimination if she had been subjected to a hostile work environment. To recover on such a theory the plaintiff must offer evidence that she had been subjected to unwelcome racial harassment, that the harassment had been based on race, that the harassment was sufficiently severe or pervasive so as to alter the conditions of her employment and create an abusive work environment, that the racially objectionable conduct was both objectively and subjectively offensive, such that a reasonable person would find it hostile or abusive and she did perceive it to be so.¹

¹ Douglas v. J.C Penney Co., Inc., 474 F.3d 10, 15 (1st Cir. 2007); Garmon v. AMTRAK, 2015 WL 3831503 *9-10 (D. Mass. June 22, 2015). See also Noviello v. City of Boston, 398 F.3d 76, 89-92 (1st Cir. 2005)(retaliatory hostile work environment is adverse employment action).